

1 The Invention

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3 In accordance with the invention, Applicant provides rubber animal toys which
4 focus on the safety of an animal playing with the toy by:
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- 6
- 7 1. Covering the rubber toy with a soft, compressible felt cover.
 - 8 2. Using a non-spherical shape which absorbs inertial energy associated
9 with the toy by causing the toy to bounce erratically.
 - 10 3. Utilizing a core which seals a volume of compressible gas while at the
11 same time forming an aperture which passes completely through the
12 core.
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15 The Prior Art

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17 The *Koros et al reference* (U.S. 5,593,157) describes a spherical tennis ball.
18 Koros et al. does not appear to suggest a non-spherical toy which bounces erratically when
19 thrown.
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22 The *Garrison reference* (U.S. 3,830,202) describes a solid bowling pin shape
23 with an aperture formed therethrough. Neither Koros nor Garrison appear to suggest
24 forming an aperture through a tennis ball or other hollow object such that the volume
25 surrounding the aperture is filled with a compressible gas and is sealed.
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1 Commercial Success

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3 Commercial success, although not necessarily conclusive, is evidence of
4 non-obviousness and patentability. The attached Declaration of Applicant submits
5 evidence of significant commercial success.
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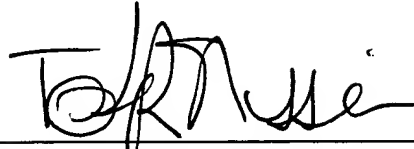
7
8 Applicant is in China attending trade shows in Hong Kong and Canton and
9 is now completing and returning the Declaration by Federal Express. As soon as
10 Applicant's undersigned attorney receives the Declaration, it will be forwarded to the Patent
11 Office by U.S. Express Mail.
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14 Infringement

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16 Applicant is first to have sold animal toys of the type described in the
17 attached Claims. Applicant's invention is being infringed. Applicant is filing a Petition to
18 Make Special to expedite prosecution of the application.
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21 If the Examiner finds merit in the foregoing remarks and amendments, it is
22 believed the application is in condition for allowance, and such action is earnestly solicited.
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Respectfully submitted,



TOD R. NISSLE, Reg. No. 29,241

TOD R. NISSLE, P.C.

P. O. Box 55630

Phoenix, Arizona 85078

Tel: 602-494-8700

Fax: 602-494-8707

E-mail: nissle@nissle.com

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APPENDIX II: Marked Up Versions

Marked Up Versions

- I. Title: None.
- II. Specification: None.
- III. Claims: None.
- IV. Abstract: None.